

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
v.	:	<u>ORDER</u>
	:	
	:	15 CR 327 (VB)
JOHN ASMODOEO,	:	
Defendant.	:	
-----X		

On May 20, 2020, defendant Asmodeo filed a motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. #105). Defendant acknowledges that he did not fully exhaust his administrative remedies before filing the motion. (Id. at 18-19). Inexplicably, defendant, who is represented by counsel, nevertheless filed the motion on May 20, 2020, one day before the exhaustion requirement would have been met. (Id. Ex. B).

The Court does not have the power to waive the exhaustion requirement. See, e.g., United States v. Ogarro, 2020 WL 1876300, at *3-5 (S.D.N.Y. Apr. 14, 2020; United States v. Roberts, 2020 WL 1700032, at *2 (S.D.N.Y. Apr. 8, 2020). Accordingly, the motion is DENIED WITHOUT PREJUDICE to refile after the exhaustion requirement has been satisfied.

The government is directed to file a response to the refiled motion no later than 14 days after the motion is refiled.

Dated: May 20, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge